

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**UNITED STATES OF AMERICA**

**VS.**

**4:06-CR-00061-BRW  
4:13-CV-00428-BRW**

**TERRY LEE WARD**

**ORDER**

Petitioner's Motion for Leave to Withdraw Previously Considered Issues (Doc. No. 221) is DENIED as MOOT.

Petitioner's Motion for Relief from Judgment (Doc. No. 222) is DENIED.

Petitioner also filed a motion for Certificate of Appealability. The standard for evaluating a certificate of appealability petition is set out in 28 U.S.C. § 2253(c)(2): "A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right." The Eighth Circuit has explained that "[a] substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings."<sup>1</sup> Because Plaintiff has not made a substantial showing of the denial of any constitutional right, the Motion for Certificate of Appealability is DENIED.

Since Petitioner filed a Notice of Appeal on August 6, 2013,<sup>2</sup> any future motions should be filed directly with the Court of Appeals for the Eighth Circuit.

IT IS SO ORDERED this 11<sup>th</sup> day of August, 2013.

/s/Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>*Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997).

<sup>2</sup>Doc. No. 220.